

# **The Municipal Corporation of the Town of Fort Erie**

## **By-law No. 125-2021**

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**Being a By-law to Enact an Amendment to the  
Official Plan Adopted by By-law No. 150-06 for the  
Town of Fort Erie Planning Area**

**Amendment No. 54  
4197 Niagara River Parkway  
Better Neighbourhoods Inc. (Curtis Thompson) – Agent  
Sant Parkash Dhillon, Aman Uppal, Shaminder Dhillon and  
Kuldip Singh – Owners**

350302-0124

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**The Municipal Council of The Corporation of the Town of Fort Erie in accordance with the  
provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c. P.13 enacts as follows:**

1. **That** Amendment No. 54 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text and mapping is adopted and approved.
2. **That** this by-law shall come into force and effect on the day of the final passing thereof.
3. **That** the Clerk of the Town of Fort Erie is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 25<sup>th</sup> day of October, 2021.**

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Mayor

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Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, hereby certify the foregoing to be a true copy of By-law No. 125-2021 of the said Town. Given under my hand and the seal of the said Corporation this      day of      , 20      .

**AMENDMENT NO. 54**

**TO THE**

**OFFICIAL PLAN**

**FOR**

**THE CORPORATION OF THE TOWN OF FORT ERIE**

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# **PART "A" - THE PREAMBLE**

## **SECTION 1**

### **TITLE AND COMPONENTS**

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. 54 to the Official Plan adopted by By-law No. 150-06 of the Fort Erie Planning Area.

Part "A", the Preamble does not constitute part of this amendment.

Part "B", the Amendment, consisting of the following text and map (designated Schedule "A") constitutes Amendment No. 54 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

Also attached is Part "C", the Appendices, which do not constitute part of this amendment. These Appendices (1 through 3 inclusive) contain the background data, planning considerations and public involvement associated with this amendment.

## **SECTION 2**

### **PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is to add "Special Policy Area 27 4197 Niagara River Parkway" designation as shown in Schedule A to facilitate the creation of a new residential lot for a future single detached dwelling on private water service.

## **SECTION 3**

### **LOCATION OF THIS AMENDMENT**

The lands, which are the subject of this amendment, are located at 4197 Niagara River Parkway shown on Schedule "A" attached hereto.

## **SECTION 4**

### **BASIS OF THIS AMENDMENT**

Subsection 13.7(III) of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area provides that amendments may be made to the Official Plan. Policies in Subsection 13.7(III) have been considered in the preparation of this amendment and the following factors have been reviewed in supporting this amendment to the Official Plan:

**a) The need for the proposed use:**

The subject lands are designated Low-Density Residential in the Official Plan. The lands designated Low-Density Residential are to be developed for single-detached, semi-detached and duplex dwellings. The applicant's proposal to construct a single detached dwelling complies with the intent of the Official Plan. The proposal will allow the efficient use of underutilized urban land and the existing municipal infrastructure.

**b) The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development:**

The subject lands currently contain a single detached dwelling. As the surrounding properties also contain single detached dwellings, the creation of a new lot for a future detached dwelling will be compatible with the existing residential uses.

**c) The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan:**

The subject lands are not constrained by any natural heritage features. Though the subject lands are located within an environmental corridor that is located along the Niagara River. The applicant's proposal to create a new residential lot will have a minimal impact on the corridor as there is adequate separation between the future dwelling and the Niagara River

**d) The location of the area under consideration with respect to:**

- (i) the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,**
- (ii) the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and**
- (iii) the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Health Services Department and any other appropriate authority deemed advisable;**

The subject lands are located on Niagara River Parkway and are accessed by Service Road #14, which is maintained by Niagara Parks Commission (NPC). The applicant's proposal to create one additional residential lot for a single-detached dwelling will have no adverse impact on the existing traffic conditions.

The proposed development will be serviced by the municipal sanitary sewer and private cistern. In the past, shore-wells were permitted in the Niagara River with private waterlines across Niagara Parks lands to provide private water service for single-detached dwellings in rural areas. The shore-wells negatively impact the riparian habitat as vegetation is removed for the installation and maintenance of the shore-well. Therefore, no new shore-well are permitted by NPC. As the proposed development will be serviced by a private cistern, NPC has no concerns with the proposed development being serviced by a private cistern. Additionally, the Region of Niagara is also not opposed in principle to the proposal as both the proposed and existing dwellings will have access to partial municipal services. Lastly, the Provincial Policy Statement permits a new lot on partial municipal services if it is an infill development.

**e) The compatibility of the proposed use with uses in adjoining areas:**

As the surrounding land-uses are predominately residential, the proposed apartment building will be compatible with the surrounding land uses.

**f) The effects of such proposed use on the surrounding area in respect of the minimizing of any possible depreciating or deteriorating effect upon adjoining properties:**

There is no evidence to suggest that the proposed single-detached dwelling will have a depreciating or deteriorating effect upon adjoining properties .

**g) The potential effect of the proposed use on the financial position of the Municipality:**

All the works associated with the proposed development are the responsibility of the developer.

**h) The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.**

None.

## **SECTION 5**

### **IMPLEMENTATION AND INTERPRETATION**

The relevant policies of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area shall apply to the implementation and interpretation of this Amendment.

## **PART "B" - THE AMENDMENT**

All of this part of the document entitled "Part "B" - The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 54 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The subject lands shown on the attached Schedule "A" are hereby redesignated to:

### **Special Policy Area 27- 4197 Niagara River Parkway**

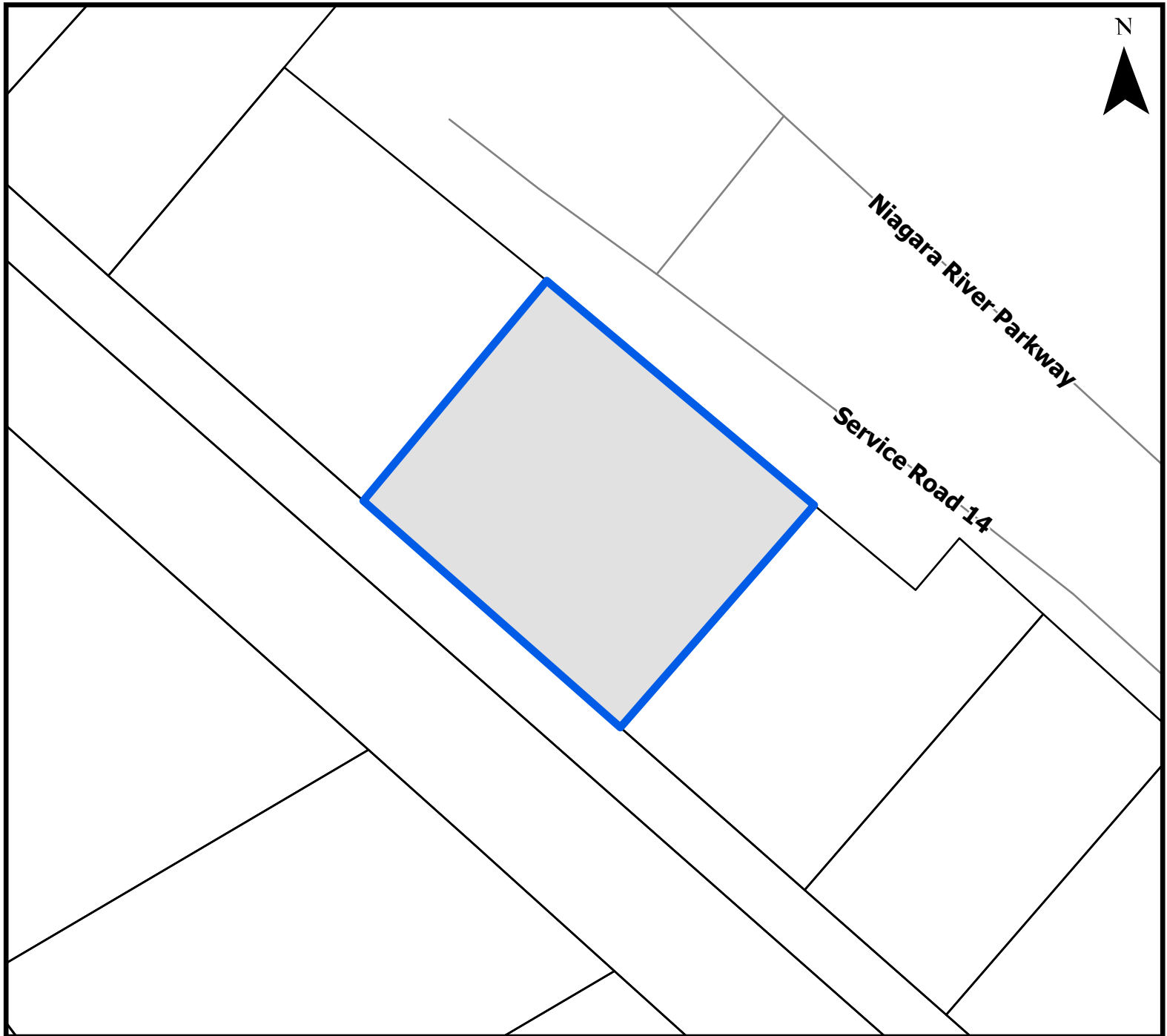
Notwithstanding Section 12.1 III of the Official Plan that requires all lands within the urban area to be serviced by municipal services, the subject lands will be serviced by partial municipal services, which includes municipal sanitary services and private water services.



## **PART “C” - THE APPENDICES**

- Appendix 1        -     Notice of Public Meeting
- Appendix 2        -     Public Meeting Minutes
- Appendix 3        -     Circulation comments

# SCHEDULE "A"



**By-law No. 125-2021**

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN  
PASSED THIS 25th DAY OF OCTOBER, 2021**

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Meters



Subject Lands - Special Policy Area 27 - 4197 Niagara River Parkway

# NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING

**Owner: Sant Prakash Dhillon, Aman, Uppal,  
Shaminder Dhillion & Kuldip**  
**Agent - Curtis Thompson (Better Neighbourhoods Inc.)**  
**4197 Niagara River parkway**


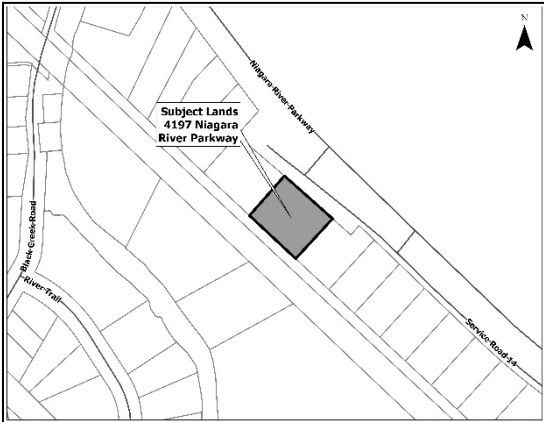


**Combined Official Plan and Zoning By-law Amendment Application**  
*APPLICATION NOS- 350302-0124 and 350309-0524*


**DATE:** September 13, 2021  
**TIME:** 6:00 PM  
**LOCATION:** This will be a virtual meeting

Residents can participate in Zoom Council meetings in two different ways:

1. Send your comments via e-mail to Anamika Dilwaria, Senior Development Planner ([adilwaria@forterie.ca](mailto:adilwaria@forterie.ca)) who will provide them to Council.
2. Participate in the Zoom meeting (audio/video via web or by telephone) by sending an email to Anamika Dilwaria, Senior Development Planner ([adilwaria@forterie.ca](mailto:adilwaria@forterie.ca)) to receive information on joining the Zoom meeting.

The Town of Fort Erie Council meeting live webcast will be streamed at [www.youtube.com/townofforterie](http://www.youtube.com/townofforterie) or click on the YouTube icon on the home page of the Town’s website ([www.forterie.ca](http://www.forterie.ca)).

	<p><b><u>LOCATION OF SUBJECT LANDS</u></b></p> 
	<p>A combined Official Plan and Zoning By-law amendment is requested to facilitate a future severance to create a new residential lot on the lands known as 4197 Niagara River Parkway.</p> <p>The subject property is located within the urban boundary and is currently designated Low-Density Residential, in the Douglastown-Black Creek Secondary Pan and zoned Waterfront Residential (WR) Zone, in accordance with Zoning By-law No. 129-90.</p> <p>The applicant is requesting to add a Special Policy Area and rezone the subject lands to a new site-specific Waterfront Residential (WR) Zone to permit new development within the Urban Area on private water service.</p>
	<p><b><u>GETTING MORE INFORMATION</u></b></p> <p>Input on the Combined Official Plan and Zoning By-law Amendment is welcome and encouraged. You can provide input by speaking at the public meeting or by making a written submission to the Town. Please note that unless you do one of the above now, you may not be able to appeal the decision later.</p> <p>A copy of the Information Report will be available to the public by 5:00 PM on <b>September 8<sup>th</sup>, 2021</b>. The information report will be available in the Council agenda portion of the Town’s Web Site: <a href="http://www.forterie.ca">www.forterie.ca</a> or by contacting Anamika Dilwaria, Senior Development Planner.</p> <p><b><u>CONTACT INFORMATION</u></b></p> <p><b>Anamika Dilwaria, MCIP, RPP, Senior Development Planner</b></p>

	<p><b>Planning and Development Services Department</b> <b>Town Hall, 1 Municipal Centre Drive</b> <b>Fort Erie, Ontario L2A 2S6</b> <b>905-871-1600 ext. 2507</b> Or by e-mailing your comments to: <a href="mailto:adilwaria@forterie.ca">adilwaria@forterie.ca</a></p> <p><b><u>PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION</u></b></p> <p>To provide input in writing, or to request written notice of the decision of the combined Official Plan and Zoning By-law Amendment, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to <a href="mailto:cschofield@forterie.ca">cschofield@forterie.ca</a></p>
	<p><b><u>PLANNING ACT LEGAL NOTICE REQUIREMENTS</u></b></p> <p>The Town of Fort Erie has not yet made a decision regarding this application.</p> <p>If a person or public body would otherwise have an ability to appeal the decision of the Town of Fort Erie’s Municipal Council to the Ontario Land Tribunal (OLT) but the person or public body does not make oral submissions at a public meeting or make written statements to the Town of Fort Erie before the by-law is passed, the person or public body is not entitled to appeal the decision.</p> <p>If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Fort Erie before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal (OLT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so.</p> <p>For more information about this matter, including information about appeal rights, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to <a href="mailto:cschofield@forterie.ca">cschofield@forterie.ca</a></p>



### **Hybrid Return to Council Chambers**

It was planned that Councillors could return to Council Chambers tonight; however, after some technical difficulty, that has changed to next week's Regular Council meeting. The meeting will still be held over Zoom with some councillors and staff present in the Council Chambers.

#### **4. Declarations of Pecuniary Interest**

None.

#### **5. Notice of Upcoming Public Meetings**

- (a) Proposed Zoning By-law Amendment and Draft Plan of Subdivision

Re: 3285 Thunder Bay Road – Owner: Westwind Niagara Developments Inc. (Alfred Beam) - Agent: Upper Canada Consultants (Craig Rohe) - Monday, October 4, 2021 - 6:00 p.m.  
The information report will be available by 5:00 p.m. on September 29, 2021.

#### **6. Public Meetings**

- (a) Proposed Official Plan and Zoning By-law Amendment

Re: 4197 Niagara River Parkway - Owners: Sant Prakash Dhillon, Aman, Uppal, Shaminder Dhillon & Kuldip - Agent: Curtis Thompson (Better Neighbourhoods Inc.). The Applicant's request is to facilitate a future severance to create a new residential lot and to add a Special Policy Area and rezone the subject lands to a new site-specific Waterfront Residential (WR) Zone to permit new development within the Urban Area on private water service. The subject property is located within the urban boundary and is currently designated Low-Density Residential, in the Douglastown-Black Creek Secondary Plan and zoned Waterfront Residential (WR) Zone, in accordance with Zoning By-law No. 129-90.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of the Public Meeting.

Mayor Redekop also provided information on electronic participation for members of the public who wished to provide input relative to the Application.

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### **Council-in-Committee - 13 Sep 2021 Meeting Minutes**

Ms. Dilwaria, Senior Development Planner, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Ms. Dilwaria confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Mayor Redekop requested that staff bring the Applicant or Agent in to participate in the meeting.

Mr. Curtis Thomson, Better Neighbourhoods Inc., Agent, was present to speak on behalf of the Application. Mr. Thomson provided a PowerPoint presentation and stated the following:

- The property is located in the urban area
- The property lacks municipal water but does have access to municipal sanitary sewer
- The purpose of the application is to apply to the Committee of Adjustment, to sever a new lot; however, in order to do that, a site-specific exemption is warranted under the official plan and the zoning bylaw to allow for partial private services
- The proposed building envelope and driveway have been designed to preserve existing trees on the property
- The garage has been placed on the southern flank of the building to preserve the neighbour's privacy to the south
- As a result of feedback from the Open House, the Owner is willing to increase the proposed side yard setback from 2.2 metres to 3 metres as well as prohibit the use of a short-term rental in perpetuity
- The Official Plan Amendment is for partial private services, specifically water, to be provided through an underground cistern tank

Mayor Redekop enquired whether the Clerk received any comments subsequent to the posting of the Report, to be read into the Minutes.

The Clerk the following comments into the Minutes:

(a) Herb Pirk, 4169 Niagara Parkway, Stevensville

"On behalf of a number of local residents and neighbours, we wish to lodge our objection to the Combined Official Plan and Zoning By-Law Amendment Application, more specifically

## **Appendix 2**

### **Council-in-Committee - 13 Sep 2021 Meeting Minutes**

Application #s 350302-0124 and 350309-0524. I am writing this letter personally because many neighbours have voiced their reluctance to sign their names to a public letter for fear of reprisals.

We understand the need for intensification from a policy point of view as it is critical to Town revenue and indeed is good for the environment in general. However, the houses in the area immediately surrounding the property and indeed the entire Douglastown-Black Creek Secondary Plan are relatively small compared to other properties on the Parkway, unassuming, well set back and well spaced giving a rural look to this section of the Parkway. Whatever intensification is approved, it needs to be consistent with the surrounding environs.

We recognize the rights of the Applicants to apply for the aforementioned Amendments to the Official Plan and Zoning By-law.

The Applicants ask for site specific variances related to a site-specific Waterfront Residential (WR) Zone to permit new development within the Urban Area on private water service and have submitted a site plan that impacts a longstanding homeowner at 4197 Niagara Pkwy. Her rights for a quiet, tranquil home in which she has resided for almost 40 years need to be respected as well.

While the neighbours would favour no change, we concede that this is unlikely and leads us to examine what actions or restrictions and requirements the Town could make to the future severed lot to maintain the quiet, tranquil enjoyment of their properties.

We trust that Council will carefully consider the four recommendations seriously as they, in our view, will address most of the concerns of the homeowners in the immediate area of impact.

September 7, 2021

To: Members of Town Council, Town of Fort Erie

Re: Combined Official Plan and Zoning By-law Amendment  
Application re: 4197 Niagara River Parkway, Application #s  
350302-0124 and #350309-0524



## **Appendix 2**

### **Council-in-Committee - 13 Sep 2021 Meeting Minutes**

#### **WHEREAS:**

1. The Applicant utilized the property for income on short term rentals through Airbnb and occasional long-term rentals.
2. The Applicant did not monitor the activities of these renters and ignored complaints of late-night partying, excessive noise, garbage being scattered on the property and lack of maintenance by the owner.
3. When Covid restrictions were imposed on short term rentals, the Applicant was cautioned that his continued renting of the property for short term rentals had been suspended as a Covid precaution by the Province, was not permitted and indeed illegal. The Applicant continued privately to utilize the property for short term rentals.
4. In January of 2021 a double murder at the property shocked the neighborhood. The Applicant had rented 4197 Niagara Pkwy. on a short-term basis to the people associated with this crime, again, illegally due to Provincial COVID restrictions. Renting to people who were also prepared to ignore these COVID restrictions showed a complete disregard for the law by both the Applicant and the "renter". It put neighbours and local citizens at risk and undermined the sense of safety and tranquility which the community had always enjoyed.
5. This Application comes on the heels of a lengthy pattern of disregard for the law by the Applicant and puts his credibility in question. He has demonstrated an inability to follow the law. He has disregarded safe neighborhood norms. He has deliberately misrepresented his intentions. He has proven his oral intentions have no credibility. The Town Council should not rely on the content of his written submissions or his oral intentions.
6. After the Information Meeting called by the Town Planning Department in August the Applicant indicated directly to Ms. Herod the following: a) he agreed to a 3-metre setback from Ms. Herod's property line; b) he agreed to a substantial front yard setback that would not compromise her privacy and view.

## **Appendix 2**

### **Council-in-Committee - 13 Sep 2021 Meeting Minutes**

7. The Application also includes a reference to a future dwelling of 2 storeys and 3,000 square feet which is totally out of scale with the immediate neighbourhood, both in size and proximity to a neighbour's property.

THEREFORE BE IT RESOLVED THAT: In the event Town Council approves a Site-Specific Official Plan and Zoning By-Law Amendment for the property known as 4197 Niagara Parkway, such approval should also include the following Site-Specific amendments to be registered on title:

1. That the side lot set back between the subject property, 4197 Niagara Pkwy, and the adjacent property, 4189 Niagara Pkwy, be no less than 3 metres.
2. That the front lot setback of the new lot be not less than 15.9 metres.
3. That the maximum dwelling size be no greater than 2,200 square feet, nor greater than 2 storeys.
4. That Short Term rentals be prohibited on the newly created lot."

(b) Ernie and Pat Lapp

"We wish to inform you that we will unfortunately be unable to take part in the zoom meeting, September 13th. concerning the 4197 Niagara River Parkway property. We completely support all of the issues submitted by Herb Pirk in a letter dated September 8,2021 to the members of council for the town of Fort Erie."

(c) Robert Bates

"My name is Robert Bates and I live next door to the property in question. I am opposed to the severance being proposed. In my opinion, the council passed a poorly thought out short term rental law which ultimately resulted in the deaths of two young girls next door, despite phone calls and emails from me. "Our" council woman Noyes was quoted after hearing about the murders saying, "Oh, that's the party house." To date, we have never received a reply from Noyes from any email or phone call. Large lawsuits should be anticipated by the family of the murdered girls and others as the property was illegally rented during the lockdown without oversight. This property which may

## Appendix 2

### Council-in-Committee - 13 Sep 2021 Meeting Minutes

be encumbered by litigation should not be severed. Please don't compound one mistake with another."

(d) Paul Callow

"I am currently a resident of the Niagara Parkway for which I have owned for the last 8 years. It has always been my understanding that there was a minimum lot size to build a property. This was in place to maintain an area of spacious properties that compliments its proximity along the Niagara Parks land. It was this that lead me, and many other to seek a residence with spacious living on the Niagara Parkway. My position is that I am opposed to this amendment. There have been many conversations on this matter with those living in this area and the feeling is shared. Lowering the lot size, down to 25 m sets a dangerous precedent, that will pave the way into turning this beautiful, unique and picturesque road into any overcrowded residential street. It is certain that once the process starts it will be followed by many other interest groups looking to break up properties for financial gain. It is important for council to consider the motive for this amendment application and the potential damage it can do to this community."

Mayor Redekop asked if there was anyone in the virtual waiting room with their hand raised.

(e) Herb Pirk, 4169 Niagara Parkway, stated that the applicant has dealt with at least three of his four recommendations. Mr. Pirk also stated that the size and square footage of the building is out of scope with other properties along the Niagara Parkway from Netherby Road to Switch Road. He added that a 2,200 square foot dwelling would be more typical for property in question.

(f) Debra Herrod, 4189 Niagara Parkway, stated that she is surprised that the Town is allowing this severance as it may lead to many other severances between Fort Erie and Chippewa which will result in a loss of tranquility and peacefulness. Ms. Herrod also stated that, as an adjacent neighbour, the severance will directly impact her as she will lose privacy with the increase in people.

Mayor Redekop enquired whether there were any members of the public in the waiting room who wish to speak in favour of the Application.

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### **Council-in-Committee - 13 Sep 2021 Meeting Minutes**

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to speak in opposition to the Application.

No members of the public came forward.

**Mayor Redekop declared the Public Meeting closed.**

(b) Proposed Zoning By-law Amendment

Re: 3399 North Shore Drive - Owner: Paul Phillip & Susana Phillip / Sider Brothers Builders Ltd. - Agent: Upper Canada Consultants Planning & Engineering Ltd. (Matt Kernahan). The Applicant's request is to permit severance of two new lots and to formalize an existing legal non-conforming two-storey detached garage that is located in the front yard of the retained lot. Site-specific zoning provisions are requested to permit a reduced setback from the 1-in-100-year flood elevation along the waterfront, reduced lot frontage for one of the new lots, and to permit an existing pool and accessory building to remain on one of the proposed new lots as a temporary use for a period of one year. The zoning will change from Waterfront Residential (WR) Zone to three site-specific Waterfront Residential (WR) Zones.

Mr. Vander Veen, Junior Planner, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Mr. Vander Veen confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Mayor Redekop requested that staff bring the Applicant or Agent in to participate in the meeting.

Mr. Kernahan, Upper Canada Consultants, Agent, was present to speak on behalf of the Application. Mr. Kernahan provided a PowerPoint presentation summarizing the application and stated the following:

- The purpose of the proposed amendment for Part Three is to permit the existing pool and accessory structure to remain in place while and until the dwelling is constructed on this property

### **Appendix 3**

## **Via Email Only**

July 5, 2021

File No.: D.10.01.OPA-21-0024

Ms. Anamika Dilwaria, MCIP, RPP  
Senior Development Planner  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, ON L2A 2S6

Dear Ms. Dilwaria:

**Re: Provincial and Regional Comments  
Concurrent Official Plan Amendment and Zoning By-law Amendment  
Owners: Sant Parkash Dhillon, Aman Uppal, Shaminder Dhillon, and  
Kuldip Singh  
Agent: Curtis Thompson, Better Neighbourhoods Inc.  
File: 350309-0524 and 350302-0124  
Address: 4197 Niagara River Parkway  
Town of Fort Erie**

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Regional Planning and Development Services staff reviewed the information circulated for the above noted Official Plan Amendment and Zoning By-law Amendment applications for the subject property known municipally as 4197 Niagara River Parkway in the Town of Fort Erie. A pre-consultation meeting for the applications was held on January 14, 2021 with staff from the Town, Region, and Niagara Peninsula Conservation Authority in attendance. Regional staff received the applications and associated review fees on June 9, 2021.

According to the Planning Justification Report prepared by Better Neighbourhoods Inc. (dated May 28, 2021), if approved, the applications will support a subsequent consent application, facilitating the creation of a new residential lot and the development of a single-detached residential dwelling. As proposed, the site-specific Official Plan Amendment seeks to permit the use of a private cistern tank, whereas the Official Plan requires severed lots to be serviced by municipal water services. The concurrent Zoning By-law Amendment seeks to rezone the lands from 'Waterfront Residential' to a site-specific 'Waterfront Residential' Zone to permit the use of private cistern tank, whereas the provisions of the Zoning By-law require that buildings and uses within any residential zone be serviced by a public water system. The intent of the amendments is to permit the subject lands and the forthcoming single-detached residential dwelling to

## **Appendix 3 Circulation Comment**

be serviced by private water until such time when municipal water services are provided.

Regional staff offer the following comments from a provincial and regional perspective to assist the Town in considering the applications.

### **Provincial and Regional Policies**

The Provincial Policy Statement, 2020 (PPS) identifies the subject property as within a Settlement Area where the policies direct growth and encourage the efficient use of land and infrastructure. A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan) identifies the subject property as within the Delineated Built-up Area – an area planned for intensification, investment, and population growth. In alignment with Provincial policies, the Regional Official Plan, 2014 (ROP) designates the property Urban Area where the policies promote infill as the preferred form of residential development. The ROP permits a full range of residential uses in the Urban Area subject to the availability of adequate municipal services. The subject property is currently serviced by existing municipal sewage services; however, there is a lack of available municipal water services along Niagara River Parkway.

The following section provides an overview of applicable provincial and regional policies concerning the provision of water services.

#### **Site Servicing**

In general, the policies of the PPS (2020) and ROP (2014) do not support the use of private water for development within urban areas. The PPS (2020) outlines that municipal water and sewage services are the preferred form of servicing to protect the environment and minimize potential risks to human health and safety. The ROP (2014) policies are more prescriptive and detail that “municipal sewage and water services are the required form of servicing for development in Urban Areas” (Policy 8.B.9). Despite this Regional policy, the PPS (2020) outlines that where municipal services and communal services are not available, planned or feasible, individual on-site water and sewage services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

Regional staff recognize that the subject property only receives municipal sewage services as there are no municipal watermains along this portion of Niagara River Parkway. Therefore, the applications propose the provision of partial servicing with the retained and severed lots being supported by a private cistern tank. Although Regional policies do not support the use of private sewage or water services within the Urban Area, the PPS (2020) permits partial services in the following two circumstances:

- Where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or

### Appendix 3 Circulation Comment

- Within Settlement Areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

Given that the subject property is currently supported by municipal sewage services and the proposed development consists of the infilling of an existing urban lot, Regional staff is not opposed in principle to the use of partial services. Regional staff note that as site servicing within the Urban Area is under the jurisdiction of the Town of Fort Erie, Town staff should be satisfied that the site conditions, including the size of the retained and severed lots are suitable for the provision of a private water system.

Regional staff maintain that the extension of municipal water services is the preferred form of servicing in Urban Areas; however, recognize the prohibitive nature of such an investment by the Town. Given the ROP direction for Urban Areas to have municipally provided services, Regional staff does not object to the addition of site-specific policy direction in the Official Plan and Zoning By-law to permit partial servicing until such time when municipal water services are available.

### Conclusion

Regional Planning and Development Services staff have no objections to the proposed Official Plan Amendment and Zoning By-law Amendment from a provincial and regional perspective, subject to the satisfaction of any local requirements. The proposal to permit the use of on-site private water aligns with provincial policy, which recognizes partial servicing as an alternative servicing approach when municipal services are not available.

Regional staff note that in accordance with the Memorandum of Understanding, the proposed Official Plan Amendment is exempt from Regional Council approval. Please send a copy of the notice of Town Council's decision on the applications and a copy of the amendments as adopted.

Should you have any questions or wish to discuss these comments, please contact the undersigned at [siobhan.kelly@niagararegion.ca](mailto:siobhan.kelly@niagararegion.ca) or Lola Emberson, MCIP, RPP, Senior Development Planner, at [lola.emberson@niagararegion.ca](mailto:lola.emberson@niagararegion.ca)

Kind regards,



Siobhan Kelly  
Development Planning Student

cc: Lola Emberson, MCIP, RPP, Senior Development Planner, Niagara Region  
Matteo Ramundo, Development Approvals Technician, Niagara Region

## Appendix 3 Circulation Comment



### RE: Request for Comments- Combined Official Plan and Zoning By-law Amendment Application- 4197 Niagara River Parkway

**Jessica Abrahamse** to: Anamika Dilwaria

06/11/2021 01:51 PM

From: "Jessica Abrahamse" <jabrahamse@npca.ca>

To: "Anamika Dilwaria" <ADilwaria@forterie.ca>

History: This message has been replied to.

	Municipal Planning	<i>Thank you for your circulation. Enbridge Gas Inc. does not object to the</i>
	Jessica Abrahamse	<i>Hi Anamika, The NPCA will not require circulation for this application.</i>
	Anamika Dilwaria	<i>Thanks Jessica. Anamika Dilwaria, M.Pl., MCIP, RPP</i>
	Ellen Savoia	<i>Hello Anamika Niagara Parks comments regarding the above noted ap</i>
	Anamika Dilwaria	<i>Thanks Ellen. Anamika Dilwaria, M.Pl., MCIP, RPP</i>

Hi Anamika,

The NPCA will not require circulation for this application.

With Best Regards,

**Jessica Abrahamse M.E.S.**  
**Watershed Planner**

250 Thorold Road West, 3<sup>rd</sup> Floor  
Welland, On  
L3C 3W2

(905) 788-3135 Ext. 235

[jabrahamse@npca.ca](mailto:jabrahamse@npca.ca)

[www.npca.ca](http://www.npca.ca)

[NPCA Mapping Tool](#)

Thank you for your email. Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. NPCA enforcement, permitting and planning functions are continuing to operate, however there may be delays in receiving responses to inquiries or complaints due to staff restrictions and remote work locations. Updates with regards to NPCA operations and activities can be found on our website at [www.npca.ca/our-voice](http://www.npca.ca/our-voice), the NPCA Facebook page at <https://www.facebook.com/NPCAOntario> and on Twitter at [https://twitter.com/NPCA\\_Ontario](https://twitter.com/NPCA_Ontario).

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>.

**From:** Anamika Dilwaria <ADilwaria@forterie.ca>

**Sent:** June-10-21 1:14 PM



### **Appendix 3 Circulation Comment**

July 9, 2021

Anamika Dilwaria, M.Pl., MCIP, RPP  
Senior Development Planner, Planning and Development Services  
The Corporation of the Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario L2A 2S6

Dear Ms. Dilwaria:

Re: Official Plan Amendment and Zoning By-Law Amendment  
4197 Niagara River Parkway

The Niagara Parks Commission has reviewed the combined application for Official Plan amendment and Zoning By-law amendment to permit residential development within the urban area on private water service and would comment as follows:

The Niagara Parks Commission lands include Niagara River Parkway, Service Road 14 and the lands along the shoreline of the Niagara River. Niagara Parks mandate is the preservation and promotion of the cultural and environmental heritage of the Niagara River corridor. In this regard Board of the Niagara Parks Commission approved an Urban Forestry Management Strategy (2018) and Environmental Stewardship Strategic Action Plan (2020). These initiatives include the restoration of the riparian habitat along the shoreline where feasible. In the past, shore-wells were permitted in the Niagara River with private waterlines across Niagara Parks lands to provide private water service for single detached dwellings in rural areas. The shore-wells negatively impact the riparian habitat as vegetation is removed for the installation and maintenance of the shore-well. Therefore, no new shore-well will be permitted in this location.

Niagara Parks does not object to the proposed site-specific amendments permitting a lot in the urban area with private water service on condition that the private water service will be provided on the lot (private cistern) and that no access or use of Niagara Parks lands for private water services is permitted. Niagara Parks requests that the site-specific Official Plan policy and zoning by-law including wording to this effect.

Thank you for your consideration of The Niagara Parks Commission's comments. Please keep Niagara Parks informed regarding this combined application. Please let me know if there are any questions regarding the above.

Yours truly,



Ellen Savoia

Senior Manager, Planning and Environmental Sustainability

## Appendix 3 Circulation Comment

Page 1 of 3



FW: Request for Comments- Combined Official Plan and Zoning By-law Amendment  
Application- 4197 Niagara River Parkway -905-21-260  
Gordon, Carrie to: ADilwaria@forterie.ca 06/11/2021 11:21 AM  
From: "Gordon, Carrie" <carrie.gordon@bell.ca>  
To: "ADilwaria@forterie.ca" <ADilwaria@forterie.ca>

### 5 Attachments



4197 Niagara River Pky - OPA\_ZBA Application signed2.pdf



4197 Niagara River Pky 2021.01.14 Pre-Consult Form.pdf



4197 Niagara River Pky 2021.04.27 Concept Elevation Plans.pdf



4197 Niagara River Pky 2021.05.28 Planning Justification Report.pdf



4197 Niagara River Pky 2021.05.31 Site Plan.pdf

Good morning,

Subsequent to review of the abovementioned circulation Bell Canada's engineering department have determined that there are no concerns or comments at this time.

If you have any questions regarding this response, please do not hesitate to contact me.

Kind regards,

*Carrie Gordon*



Associate, External Liaison  
Right of Way Control Centre  
140 Bayfield St, Fl 2  
Barrie ON, L4M 3B1  
T: 705-722-2244/844-857-7942  
F :705-726-4600

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**From:** CA - Circulations <CA.Circulations@wsp.com>

**Sent:** Thursday, June 10, 2021 1:47 PM

**To:** ROWCC <rowcentre@bell.ca>

**Subject:** [EXT]FW: Request for Comments- Combined Official Plan and Zoning By-law Amendment  
Application- 4197 Niagara River Parkway

FYI

## Appendix 3 Circulation Comment



### RE: [External] Request for Comments- Combined Official Plan and Zoning By-law Amendment Application- 4197 Niagara River Parkway

**Municipal Planning** to: Anamika Dilwaria

06/10/2021 01:28 PM

From: "Municipal Planning" <MunicipalPlanning@enbridge.com>

To: "Anamika Dilwaria" <ADilwaria@forterie.ca>

	Anamika Dilwaria	Anamika Dilwaria	Request for Comments- Combined Official P
	Municipal Planning	Municipal Planning	<i>Thank you for your circulation. Enbridge</i>
	Jessica Abrahamse	Jessica Abrahamse	<i>Hi Anamika, The NPCA will not require</i>
	Anamika Dilwaria	Anamika Dilwaria	<i>Thanks Jessica. Anamika Dilwa</i>
	Ellen Savoia	Ellen Savoia	<i>Hello Anamika Niagara Parks commer</i>

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com).

Regards,

**Alice Coleman**

Municipal Planning Analyst

**Long Range Distribution Planning**

**ENBRIDGE**

TEL: 416-495-5386 | [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com)

500 Consumers Road, North York, Ontario M2J 1P8

[enbridge.com](http://enbridge.com)

**Safety. Integrity. Respect.**

**From:** Anamika Dilwaria <ADilwaria@forterie.ca>

**Sent:** Thursday, June 10, 2021 1:14 PM

**To:** Andrew.Carrigan@Canadapost.ca; circulations@mmm.ca; cara.lampman@niagararegion.ca; kathy.levinski@ncdsb.com; kris.watson@cnpower.com; LandUsePlanning@HydroOne.com; Municipal



## **Interoffice Memorandum**

June 11, 2021

File No. 350302-0124 and 350309-0524

To: Anamika Dilwaria, Senior Development Planner

From: Jeremy Korevaar, Coordinator, Development Approvals

Subject: **Application for Combined Official Plan and Zoning By-law Amendment –  
4197 Niagara River Parkway**

---

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Combined Official Plan and Zoning By-law Amendment and the supporting documentation for **4197 Niagara River Parkway** and have no comments or objections.

Jeremy Korevaar, C.E.T.  
Coordinator, Development Approvals

## Appendix 3 Circulation Comment



# Interoffice Memorandum

*Original:* June 11, 2021  
*UPDATED:* August 16, 2021

File No. 350302-0124 and 350309-0524

To: Anamika Dilwaria, Senior Development Planner

From: Jeremy Korevaar, Coordinator, Development Approvals

Subject: **Application for Combined Official Plan and Zoning By-law Amendment –  
4197 Niagara River Parkway**

---

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Combined Official Plan and Zoning By-law Amendment and the supporting documentation for **4197 Niagara River Parkway** and have the following comment:

1. The 2017 Wastewater Master Plan and Pollution Prevention Control Plan and Customer Relationship Management records have been reviewed and I have no concerns with the addition of one residential unit to the existing sanitary sewer system.

Therefore, given the foregoing comments I have no objection to the proposed amendment.

Jeremy Korevaar, C.E.T.  
Coordinator, Development Approvals

### Appendix 3 Circulation Comment



#### Combined Official Plan and Zoning By-law Application - 4197 Niagara River Parkway

**Keegan Gennings** to: Anamika Dilwaria

06/29/2021 10:10 PM

From: Keegan Gennings/FortErie  
To: Anamika Dilwaria/FortErie@TownOfFortErie

Keegan Gennings	Combined Official Plan and Zoning By-law Application - 4197 Niagara River

Hi Anamika,  
I have reviewed the application for an opa and zba for 4197 Niagara Parkway and have no comments.

Regards,

Keegan Gennings C.B.C.O  
Chief Building Official  
Town of Fort Erie  
905-871-1600 ext. 2515

## Appendix 3 Circulation Comment



### Interoffice Memorandum

June 30, 2021  
File No: 350309-0520

To: Anamika Dilwaria, Senior Development Planner  
From: Signe Hansen, Manager, Community Planning  
Subject: **4197 Niagara River Parkway - OPA/ZBA Application**

---

I have no comments relative to the application for a combined Official Plan and Zoning By-law Amendment for 4197 Niagara River Parkway.

Pursuant to the January 14, 2021 pre-consultation meeting, I will have comments relative to a future severance.

Regards

Signe Hansen, OALA, CSLA, MBA  
Manager, Community Planning  
/sh

## Appendix 3 Circulation Comment








**Re: Invitation: Request for comments- Combined Official Plan and Zoning By-law Application - 4197 Niagara River Parkway (Jun 30 12:00 PM EDT)** 

**Ed Melanson** to: Anamika Dilwaria

06/10/2021 01:19 PM

From: Ed Melanson/FortErie  
To: Anamika Dilwaria/FortErie@TownOfFortErie

	Anamika Dilwaria	Request for comments- Combined Official Plan and Zoning By-law Application
	Aaron Butler	<i>Accepted: Request for comments- Combined Official Plan and Zoning</i>
	Pieter Wasserman	<i>Accepted: Request for comments- Combined Official Plan and Zoning</i>
	Jeremy Korevaar	<i>Accepted: Request for comments- Combined Official Plan and Zoning</i>
	Ed Melanson	<i>Good afternoon Anamika, I have reviewed the request and have no ob</i>

Good afternoon Anamika,

I have reviewed the request and have no objections to the application. This proposed home would be considered rural for fire response purposes where tankers will be used to supply water if the need for fire suppression arises.

Hope this helps.



**Ed Melanson**  
**Fire Chief / CEMC**  
**Office: (905) 871-1600 ext. 2600**  
**Cell: (905) 329-7255**

Anamika Dilwaria Invitation: Request for comments- Combined Of...

2021-06-10 01:11:37 PM



**Invitation: Request for comments- Combined Official Plan and Zoning By-law Application - 4197 Niagara River Parkway**

**2021-06-30 Wed 12:00 PM - 12:15**

PM

Attendance is **required** for Ed Melanson

Chair: **Anamika Dilwaria/FortErie**

No Location Information

**Anamika Dilwaria** has invited you to a meeting. You have not yet responded.